

July 28, 1973

Mr. Donald E. Lebrun
Administrative Programs Coordinator
City Hall
P.O. Drawer 1549
Coral Gables, Florida 33134

Dear Mr. Lebrun:

Our Executive Committee met to review the Historic Monument Ordinance. We went over it thoroughly and came up with a number of suggestions for the Board to consider.

It is our feeling that this ordinance is vitally important, not only to Coral Gables, but to all of Dade County because it represents the first time this type of legislation has been introduced locally. We hope many of our municipalities will recognize its merits and follow suit. Therefore, it is important that this ordinance is the best possible one that can be devised by those participating in its writing and that, as a result, it will be passed by the Commission without any difficulty.

We hope that you will consider our suggestions and that they will prove beneficial. We would like to have a representative present when these suggestions are discussed so that we may answer any questions or offer more detailed explanations.

Sincerely,

Frances S. MacIntyre
(Mrs. A.C.)
President

Encl.

AN ORDINANCE TO PROVIDE GUIDANCE STANDARDS
AND REVIEW PROCEDURES FOR THE PRESERVATION OF
SIGNIFICANT BUILDINGS, STRUCTURES AND SITES
WITHIN THE CITY OF CORAL GABLES, FLORIDA.

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

Section I. Purpose

The purpose of this ordinance is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the historic or architecturally worthy structures and quaint neighborhoods which impart a distinct aspect to the City of Coral Gables and which serve as visible reminders of the history and cultural heritage of the city, the state and the nation. ¹

Section II. Boundaries

The area affected by this Ordinance shall conform to the Metes and Bounds of the City of Coral Gables as established in the Charter of the City of Coral Gables, Florida, Part I, Article I, Section 5.

Section III. Classification of Structures and Sites ²

Within the City of Coral Gables, ¹ Categories:
specific properties shall be classified by
the Historic Landmark ³ Board of Review as follows:

- A. Exceptional
- B. Excellent
- C. Notable
- D. Of Value as Part of the Scene

2. General Criteria for Determination of Buildings, Structures, Roads, Trees and Sites having Historic Significance:

The following criteria, as developed by the National Trust for Historic Preservation for determination of historic significance, is hereby adopted as general guidelines ~~for~~ by the City of Coral Gables Historic Landmark Board of Review.

Districts, sites, buildings, structures, and objects of national, state and local importance are of historic significance if they possess integrity of location, design, setting, materials, workmanship, feeling and association and:

A. that are associated with events that have made a significant contribution to the broad patterns of our history, or

B. that are associated with the lives of persons significant in history, or

C. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction, or

D. that have yielded, or may be likely to yield, information important in prehistory or history.

2. Categories:

Within the City of Coral Gables, specific properties shall be classified by the Historic Landmark ³ Board of Review as follows:

- A. Exceptional - meets all four of the above criteria
- B. Excellent - meets three of the above criteria
- C. Notable - meets two of the above criteria
- D. Of Value as Part of the Scence - meets one of the above criteria

Section IV. Procedure for Classification ⁴

1. Inventory: The Board will be responsible for a comprehensive and continuing survey of sites of historic significance in Coral Gables. The inventory of sites created by the survey shall include as much information and documentation on the sites as possible.

2. Nomination of Sites: Structures and sites added to the inventory shall be reviewed by the Board and if it meets the general criteria listed in Section III, shall be given the appropriate designation. The Board may then initiate the following procedure:

A. Notification of Owner: A congratulatory letter/ invitation shall be hand delivered, if possible, to the owner of the property by a member of the Board stating that the site has been selected for consideration as a historic landmark, with a full explanation of the reasons for its nomination, the effect of the proposed classification and the process by which such classification is accomplished. The owner will be invited to appear informally before the Historic Landmark Board of Review to discuss the matter. If the property qualifies, it will then be submitted by the Board at a Public Hearing.

B. Public Hearing: The Board shall present any site nominated for historic landmark designation at a public hearing, following the procedure established for zoning changes.

C. Recommendation to City Commission: Within 30 days after the public hearing, the nominated site shall be submitted to the City Commission with the Board's recommendation. After the City Commission has approved the designation, it will be duly recorded.

D. Zoning Authority: When the City Commission approves a Historic Landmark designation, the regulations for both the existing zoning category of the

property and the Historic Landmark category shall apply. Wherever there is conflict between the regulations, the more restrictive shall apply. ⁵

Section V. Effect of Historic Monument Designation

No structure or site that is designated by the City Commission as a Historic Landmark may be demolished, moved or changed in the exterior appearance by addition, reconstruction, alteration or maintenance involving exterior color change or removal of or destruction of trees located on the site unless an application for a Certificate of Approval has been submitted to the Historic Landmark Board of Review, and the application approved by the Board. ⁶

Section VI. Application for Certificate of Approval

A. Pre-Application Review: Prior to the preparation of working drawings and specifications, or calling for proposals or bids from contractors, owners or agents shall prepare preliminary schale drawings and outline specifications, including color samples for outside work, for review and informal discussion with the Historic Landmark Board of Review. The purpose of this review shall be to acquaint the developer, owner or agent with standards of appropriateness of design that are required ~~for~~ of his proposed change in a historic landmark.

B. Filing Applications: After the pre-application review, any person desiring a Certificate of Approval to be issued by the Historic Landmark Board of Review as required hereby, shall file an application therefore in writing on a form furnished by the Building Official for that purpose. Each such application shall describe the land on which the proposed work is to be done, by legal description and address; shall show the use or occupancy of the buildding; shall be accompanied by plans and specifications as required; shall state the value of the proposed work; shall give such other information as reasonably may be required by the Building Official; and shall be signed by the applicant or any authorized agent, who may be required to submit evidence to indicate such authority.

C. Action on Applications: The Building Official shall transmit the application for a Certificate of Approval together with the supporting information and material to the Historic Landmark Board of Review for approval. The Board shall act upon the application within 30 days after the filing thereof. ⁷ Nothing herein shall prohibit an extension of time where mutual agreement has been made and the Board may advise the applicant and make recommendations in regard to the appropriateness of the application. If the Board approves the application, a Certificate of Approval shall be issued. If the Certificate of Approval is issued, the application

shall be processed in the same manner as applications for building or demolition permits. If the Board disapproves the application, a Certificate of Approval shall not be issued.

In the event of a determination to deny a Certificate of Approval, the Board shall consult with the Owner within a period of 60 days for the purpose of considering means of preservation that will be in keeping with the criteria. If additional time is necessary, the Board may, before the 60 days have expired, extend the time not to exceed an additional 30 days. If, at the end of this time, an acceptable solution has not been achieved, the Certificate of Approval shall finally be denied, unless the Board finds that:

A. every reasonable effort has been made by the owner to agree to the recommendations of the Board and that:

B. owing to special conditions pertaining to his specific piece of property, the full application of the recommended requirements will cause undue and unnecessary hardship,

in which case the Certificate of Approval shall be issued notwithstanding such prior determination.

D. Demolition of Designated Buildings, Structures, Roads, Trees and Sites:

Whenever an owner shows that a property classified as having ~~is~~ historic significance is incapable of earning an economic return on its value, as appraised by a qualified real estate appraiser, and the Board of Review does not approve the issuance of a Certificate of Approval, such building may be demolished, provided, however, that before a demolition permit is issued, notice of proposed demolition shall be given as follows:

- A. For buildings rates Exceptional - 12 months notice
- B. For buildings rates Excellent - 6 months notice
- C. For buildings rate Notable - 4 months notice
- D. For buildings of value as part of the scene - 2 months notice

Notice shall be posted on the premises of the building or structure proposed for demolition in a location clearly visible from the street. In addition, notice shall be published in a newspaper of general local circulation at least three times prior to demolition, the final notice of which shall be not less than fifteen (15) days prior to the date of the permit and the first notice of which shall be published no more than fifteen (15) days after the application for a permit to demolish is filed. The purpose of this procedure is to further the purposes of this Ordinance by preserving significant buildings ~~and~~ education, culture,

Each member of the Board shall be a resident of the City of Coral Gables during the term of his appointment and also for at least five (5) years prior to his appointment.

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serving significant buildings which are important to the education, culture, tradition, aesthetics and economic values of the City, and to afford the City, interested persons, historical societies or organizations the opportunity to acquire or to arrange for the preservation of such buildings. ⁸

Section VII. Historic Landmark Board of Review

1. Creation and Composition: The Historic Landmark Board of Review is created under the authority of Ordinance No. 1970, dated June 7, 1972 and shall be composed as follows: seven (7) members appointed by the City Commission. The City Manager, subject to the approval of the City Commission, shall nominate two (2) members. The Board shall include a professional historian, a city planner, an architect and four citizens who are familiar with the purposes of preserving and protecting structures and sites having historical and/or ~~historic~~ architectural worth. ⁹

The Board members shall serve without pay.
2. Jurisdiction: The Board's jurisdiction shall be limited to the City of Coral Gables, Florida. The Board shall be concerned with those elements of change, rehabilitation and/or preservation that affect the quality of the City. They shall not consider detailed design, interior arrangements or building features not subject to public view, nor shall they make any requirements except for the purpose of preventing development or demolition obviously incongruous to the surroundings.

3. Term of Office: ¹⁰

4. Organization: The Board shall elect from its membership a Chairman and a Vice-Chairman who shall serve for a period of two years ¹¹ and who shall be eligible for re-election. The Chairman shall preside over the Board and shall have the right to vote. In the absence or disability of the Chairman, the Vice Chairman shall perform the duties of the Chairman. The Secretary of the Board shall be designated by the Office of the City Manager.

A quorum shall consist of 50% of the members of the Board, plus one; however, no application for a Certificate of Approval shall be denied except by the majority vote of 6/7 of the Board members.

The Board shall adopt rules for the transaction of its business and consideration of applications not inconsistent herewith which shall provide for the time and place of regular meetings and for the calling of special meetings. All the meetings of the Board shall be open to the public, and a public record shall be kept of the Board's resolutions, proceedings and actions.

6. Assistance of Secretary of the Board: The designated Secretary shall provide such technical, administrative and clerical assistance as required by the Historic Landmark Board of Review.

7. Meetings: The Board shall hold regular meetings, at least monthly, to review survey sites for classification and to review applications for Certificates of Approval.

Section VIII. General Guidelines

1. Preservation of Designated Buildings, Structures, Roads, Trees and Sites Within the City of Coral Gables: A building or structure, classified as significant, or any appurtenance related thereto, including, but not limited to, stone walls, fences, light fixtures, steps, paving and signs shall only be moved, reconstructed, altered or maintained in a manner that will preserve the historical and architectural character of the building, structure or appurtenance thereto.

2. Relocation of Designated Structures: A designated structure shall not be relocated on another site unless it is shown that the preservation on its existing site is not consistent with the purposes of this Ordinance, or such structure will not earn an economic return for the owner on such site.

3. Protective Maintenance of Designated Structures. Structures designated as significant shall be maintained to meet requirements of the Minimum Housing Code and the Building Code and other regulatory codes. The Board may recommend that the City Commission make appropriate provision for preservation or repair of historic structures as may be endangered by neglect.

4. Compatibility Factors: ¹² Existing buildings ¹³ and structures and appurtenances thereto which are moved, reconstructed, materially altered, repaired or changed in color shall be compatible with buildings, structures and places to which they are related generally in terms of the following factors: ¹⁴

- A. Height
- B. Proportion of Building's Front Facade
- C. Rhythm of Solids to Voids in Front Facades
- D. Rhythm of Spacing of Buildings on Streets
- E. Rhythm of Entrance and/or Porch Projection
- F. Relationship of Materials, Texture and Color
- G. Roof Shapes
- H. Walls of Continuity
- I. Scale of a Building
- J. Directional Expression of Front Elevation

Section IX. Enforcement

The provisions of this Ordinance shall be enforced by ¹⁵

Section X. Penalty

Anyone violating or failing to comply with the provisions of this ordinance shall, upon conviction thereof, be fined in a sum not exceeding five hundred dollars (\$500) or imprisoned for a term not exceeding six months, or may be both so fined and imprisoned, and each day's violation or failure to comply shall constitute a separate offense. ¹⁶

Section XI. Severability

In the event that any section, paragraph or part of this ordinance shall be for any reason declared invalid or held unconstitutional by any court of last resort, every other section, paragraph and part shall continue in full force and effect.

Section XII.

All ordinances or parts of ordinances, in conflict herewith, are hereby repealed.

Section XIII.

This Ordinance shall be administered with and as part of the City of Coral Gables Zoning Code.

FOOTNOTES TO ORDINANCE

1. Purpose and intent can be combined for a more powerful and direct statement.
2. In studying the entire ordinance it was felt that guidance standards and review procedures were not clearly presented. The process by which a site becomes designated as a historic site is not well defined in the original ordinance. The Savannah Ordinance, after which the Coral Gables Ordinance is modeled, deals with a Historic District concept which provides a ready made inventory. The same situation does not apply here.
3. Suggest consideration of Historic Landmarks or Historic Preservation Board of Review as title for Board. Either one provides a more accurate description of the Board's interest. Monument, though by definition is accurate, sounds too grand and too limited. A desirable landmark may be difficult to justify as a monument. This is, however, not an important issue.
4. See Note 2.
5. The original ordinance doesn't make it clear that historic landmark designation is part of zoning.
6. The term Historic Monument Permit is very disturbing as used in the original ordinance. It seems incongruous and misleading to issue a Historic Monument Permit to approve destruction of a historic landmark.
7. It is felt that a permit being automatically approved if not acted upon in 30 days is a dangerous situation. Either the permit should be automatically denied if not acted on, or the Board should be required to act on a permit one way or the other.
8. In the original ordinance it states: "The Board of Review may at any time during such stay approve a Historic Monument Permit in which event a Permit shall be issued without further delay." This seems contrary to the purposes of the ordinance and is in violation of the guidelines established by the ordinance. Please refer to Section VI, Part C, Paragraph 2. This seems a better approach.
9. The Board has basically two main functions: to survey and classify sites and to approve or disapprove permits affecting these sites. These two tasks require some specialized knowledge. The Board's decisions must be based on knowledge and good judgement. Sentimentality is not sufficient when dealing with restrictions to be imposed on another person's property. It is felt
t that the Board can function more effectively if some of the necessary specialized knowledge is possessed by the Board members themselves. In light of this, the qualifications for Board members may need to be reconsidered.
10. Can term of office be more specific that "at the will of the Commission"?
11. This is different than Ordinance 1970 which calls for one year. Is it intentional or an oversight?
12. Have deleted the word "visible". There are other compatibility factors which may at times be important to consider.
13. Should the effect of new construction be considered by this ordinance? For example, where a new development will be contiguous with a historic site, should consideration be given to its compatibility? This was discussed with mixed opinions. It may be too much to include in this ordinance.

14. It was felt that this section contained a lot of verbage that said little. Suggest either simplifying it or clarifying.
15. This section is added to emphasize the seriousness of the ordinance to to remind people that there is a penalty for violation.
16. See Note 15.

General Comments: The changes made in the draft have been done in an effort to make the ordinance workable and fair to both the Board and to those property owners who will be affected by the ordinance. We have tries to provide measures which will encourage cooperation, particularly in those situations where there will be protest by property owners, and this will be, unfortunately, a very real problem.